

1 AMENDMENT TO HOUSE BILL 582

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 582 by replacing  
3 the title with the following:

4 "AN ACT in relation to public employee benefits."; and  
5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. If and only if House Bill 581 of the 93rd  
8 General Assembly becomes law, the Illinois Pension Code is  
9 amended by changing Section 4-114 and adding Sections 6-210.2  
10 and 6-227 as follows:

11 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)  
12 Sec. 4-114. Pension to survivors. If a firefighter who  
13 is not receiving a disability pension under Section 4-110 or  
14 4-110.1 dies (1) as a result of any illness or accident, or  
15 (2) from any cause while in receipt of a disability pension  
16 under this Article, or (3) during retirement after 20 years  
17 service, or (4) while vested for or in receipt of a pension  
18 payable under subsection (b) of Section 4-109, or (5) while a  
19 deferred pensioner, having made all required contributions, a  
20 pension shall be paid to his or her survivors, based on the  
21 monthly salary attached to the firefighter's rank on the last

1 day of service in the fire department, as follows:

2 (a) To the surviving spouse, a monthly pension of 40% of  
3 the monthly salary, and to the guardian of any minor child or  
4 children including a child which has been conceived but not  
5 yet born, 12% of such monthly salary for each such child  
6 until attainment of age 18 or until the child's marriage,  
7 whichever occurs first. Beginning July 1, 1993, the monthly  
8 pension to the surviving spouse shall be 54% of the monthly  
9 salary for all persons receiving a surviving spouse pension  
10 under this Article, regardless of whether the deceased  
11 firefighter was in service on or after the effective date of  
12 this amendatory Act of 1993.

13 Beginning January 1, 2004, the total monthly pension  
14 payable under this paragraph (a) to the surviving spouse of a  
15 firefighter who died while receiving a retirement pension,  
16 including any amount payable on account of children, shall be  
17 no less than 100% of the monthly retirement pension that the  
18 deceased firefighter was receiving at the time of death,  
19 including any increases under Section 4-109.1. This minimum  
20 applies to all such surviving spouses who are eligible to  
21 receive a surviving spouse pension, regardless of whether the  
22 deceased firefighter was in service on or after the effective  
23 date of this amendatory Act of the 93rd General Assembly, and  
24 notwithstanding any limitation on maximum pension under  
25 paragraph (d) or any other provision of this Article.

26 The pension to the surviving spouse shall terminate in  
27 the event of the surviving spouse's remarriage prior to July  
28 1, 1993; remarriage on or after that date does not affect the  
29 surviving spouse's pension, regardless of whether the  
30 deceased firefighter was in service on or after the effective  
31 date of this amendatory Act of 1993.

32 The surviving spouse's pension shall be subject to the  
33 minimum established in Section 4-109.2.

34 (b) Upon the death of the surviving spouse leaving one

1 or more minor children, to the duly appointed guardian of  
2 each such child, for support and maintenance of each such  
3 child until the child reaches age 18 or marries, whichever  
4 occurs first, a monthly pension of 20% of the monthly salary.

5 (c) If a deceased firefighter leaves no surviving spouse  
6 or unmarried minor children under age 18, but leaves a  
7 dependent father or mother, to each dependent parent a  
8 monthly pension of 18% of the monthly salary. To qualify for  
9 the pension, a dependent parent must furnish satisfactory  
10 proof that the deceased firefighter was at the time of his or  
11 her death the sole supporter of the parent or that the parent  
12 was the deceased's dependent for federal income tax purposes.

13 (d) The total pension provided under paragraphs (a), (b)  
14 and (c) of this Section shall not exceed 75% of the monthly  
15 salary of the deceased firefighter (1) when paid to the  
16 survivor of a firefighter who has attained 20 or more years  
17 of service credit and who receives or is eligible to receive  
18 a retirement pension under this Article, or (2) when paid to  
19 the survivor of a firefighter who dies as a result of illness  
20 or accident, or (3) when paid to the survivor of a  
21 firefighter who dies from any cause while in receipt of a  
22 disability pension under this Article, or (4) when paid to  
23 the survivor of a deferred pensioner. For all other  
24 survivors of deceased firefighters, the total pension  
25 provided under paragraphs (a), (b) and (c) of this Section  
26 shall not exceed 50% of the retirement annuity the  
27 firefighter would have received on the date of death.

28 The maximum pension limitations in this paragraph (d) do  
29 not control over any contrary provision of this Article  
30 explicitly establishing a minimum amount of pension or  
31 granting a one-time or annual increase in pension.

32 (e) If a firefighter leaves no eligible survivors under  
33 paragraphs (a), (b) and (c), the board shall refund to the  
34 firefighter's estate the amount of his or her accumulated

1 contributions, less the amount of pension payments, if any,  
2 made to the firefighter while living.

3 (f) An adopted child is eligible for the pension  
4 provided under paragraph (a) if the child was adopted before  
5 the firefighter attained age 50.

6 (g) If a judgment of dissolution of marriage between a  
7 firefighter and spouse is judicially set aside subsequent to  
8 the firefighter's death, the surviving spouse is eligible for  
9 the pension provided in paragraph (a) only if the judicial  
10 proceedings are filed within 2 years after the date of the  
11 dissolution of marriage and within one year after the  
12 firefighter's death and the board is made a party to the  
13 proceedings. In such case the pension shall be payable only  
14 from the date of the court's order setting aside the judgment  
15 of dissolution of marriage.

16 (h) Benefits payable on account of a child under this  
17 Section shall not be reduced or terminated by reason of the  
18 child's attainment of age 18 if he or she is then dependent  
19 by reason of a physical or mental disability but shall  
20 continue to be paid as long as such dependency continues.  
21 Individuals over the age of 18 and adjudged as a disabled  
22 person pursuant to Article XIa of the Probate Act of 1975,  
23 except for persons receiving benefits under Article III of  
24 the Illinois Public Aid Code, shall be eligible to receive  
25 benefits under this Act.

26 (i) Beginning January 1, 2000, the pension of the  
27 surviving spouse of a firefighter who dies on or after  
28 January 1, 1994 as a result of sickness, accident, or injury  
29 incurred in or resulting from the performance of an act of  
30 duty or from the cumulative effects of acts of duty shall not  
31 be less than 100% of the salary attached to the rank held by  
32 the deceased firefighter on the last day of service,  
33 notwithstanding subsection (d) or any other provision of this  
34 Article.

1           (j) (Blank). Each survivor's pension payable on January  
 2   17, 2004, shall be increased on that date, and on each January  
 3   1 thereafter, by an amount equal to 3% of the pension  
 4   otherwise payable at the time of the increase, including any  
 5   previous increases under this Article. This increase does  
 6   not apply to any survivor's pension that first becomes  
 7   payable after January 17, 2004.

8           (k) The provisions of subsection (j) were inadvertently  
 9   included in House Bill 581 of the 93rd General Assembly. It  
 10   is the intention of the General Assembly that those  
 11   provisions not take effect and to that end they are  
 12   superseded by this amendatory Act.

13   (Source: P.A. 91-466, eff. 8-6-99; 93HB0581enr.)

14           (40 ILCS 5/6-210.2 new)

15           Sec. 6-210.2. City contributions for paramedics.  
 16   Municipality credits computed and credited under Article 8  
 17   for all firemen who (1) accumulated service credit in the  
 18   Article 8 fund for service as a paramedic, (2) have  
 19   terminated that Article 8 service credit and received a  
 20   refund of contributions, and (3) are participants in this  
 21   Article 6 fund on the effective date of this amendatory Act  
 22   of the 93rd General Assembly shall be transferred by the  
 23   Article 8 fund to this Fund, together with interest at the  
 24   rate of 11% per annum, compounded annually, to the date of  
 25   the transfer, as provided in Section 8-172.1 of this Code.  
 26   These city contributions shall be credited to the individual  
 27   fireman only if he or she pays for prior service as a  
 28   paramedic in full to this Fund.

29           (40 ILCS 5/6-227 new)

30           Sec. 6-227. Transfer of creditable service to Article 5  
 31   fund.

32           (a) Any policeman as defined in Section 5-109 of this

1 Code who is a participant in the pension fund established  
 2 under Article 5 of this Code, may apply for transfer of up to  
 3 10 years of his credits and creditable service accumulated in  
 4 this Fund to that Article 5 fund, if he or she applies to  
 5 transfer those credits and creditable service within 6 months  
 6 of the effective date of this amendatory Act of the 93rd  
 7 General Assembly. Such creditable service shall be  
 8 transferred forthwith. Payment by this Fund to the Article 5  
 9 fund shall be made at the same time and shall consist of:

10 (1) the amounts accumulated to the credit of the  
 11 applicant, including interest, on the books of the Fund  
 12 on the date of transfer, but excluding any additional or  
 13 optional credits, which credits shall be refunded to the  
 14 applicant; and

15 (2) municipality credits computed and credited  
 16 under this Article, including interest, on the books of  
 17 the Fund on the date the member terminated service under  
 18 the Fund.

19 Participation in this Fund as to any credits transferred  
 20 under this Section shall terminate on the date of transfer.

21 (b) Any such elected policeman may reinstate credits and  
 22 creditable service terminated upon receipt of a separation  
 23 benefit, by payment to the Fund of the amount of the  
 24 separation benefit plus interest thereon to the date of  
 25 payment.

26 Section 90. The State Mandates Act is amended by adding  
 27 Section 8.27 as follows:

28 (30 ILCS 805/8.27 new)

29 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6  
 30 and 8 of this Act, no reimbursement by the State is required  
 31 for the implementation of any mandate created by this  
 32 amendatory Act of the 93rd General Assembly.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".